

REMARKS

The specification has been amended to include the subject matter originally filed claims 1 and 2 and to correct the prior amendment as astutely noted by the Examiner. Since claims 1 and 2 were originally filed, the addition to the specification is not new matter.

Claim 1 has been amended to reflect the corrected material in the specification. Accordingly, claims 1 and 3 to 7 remain active in this application.

Claims 1 and 3 to 7 were rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. It is stated that the specification does not provide support for the new limitation "the fluorocarbon gas having the lower ration of carbon atoms to fluorine atoms forming at least one half of the mixed gas". The specification has been amended to correct the error. However, to avoid this issue, the subject matter of originally filed claims 1 and 2 has been additionally added to the specification without the addition of new matter since these are originally filed claims.

Claim 3 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The specification has been amended to avoid this issue.

Claims 1 and 4 were rejected under 35 U.S.C. 102(b) as being anticipated by Yanagida (U.S. 5,338,399). The rejection is respectfully traversed.

Claim 1 requires, among other steps, the step of providing a gas etchant comprising a mixed gas of two different fluorocarbon gases, one of the fluorocarbon gases having a low C/F ratio and the other of said gases having a high C/F ratio, the fluorocarbon gas having the higher ratio of carbon atoms to fluorine atoms forming at least one half of the mixed gas. No such step

is taught or even remotely suggested by Yanagida taken alone or in the total combination as claimed. The specification of the subject application clearly states at page 4, lines 9 to 12, that "the present inventors satisfactorily solved the problems of the prior art by adding a small quantity of CHF_3 (low C/F ratio gas) to $\text{C}_4\text{F}_8/\text{Ar}/\text{O}_2$ (high C/F ratio gas) and discovered that the purpose of this invention could be realized, and they arrived at this invention". On the other hand, Yanagida clearly states at Example 6 in column 11 at line 14ff that " C_3F_8 having a lower C/F ratio was used as a main component of the etching gas".

Claim depends from claim 1 and therefore defines patentably over Yanagida for at least the reasons presented above with reference to claim 1.

In addition, claim 4 further limits claim 1 by requiring that the insulating layer be plasma-etched with the mixed gas of fluorocarbon gases. No such step is taught or even remotely suggested by Arleo in the total combination as claimed.

Claims 1, 3 and 4 were rejected under 35 U.S.C. 102(e) as being anticipated by Park (U.S. 6,103,137). The rejection is respectfully traversed.

Claim 1 requires a mixture of two gases. It is noted that the gases of Park are composed of three different gases. Accordingly, for this reason alone, Park fails to anticipate claim 1 or claims 3 and 4 which depend therefrom.

Claims 5 to 7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagida in view of Mizuhara et al. (U.S. 5,898,221). The rejection is respectfully traversed.

Claims 5 to 7 depend from claim 1 and therefore define over the applied references for at least the reasons presented above with reference to claim 1 since Mizuhara et al. fails to overcome the deficiencies in Yanagida as noted above.

In view of the above remarks, favorable reconsideration and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Cantor'.

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